

AJE
F. #2022R00135

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X

UNITED STATES OF AMERICA

- against -

KATE SPENCER and ZIV BITON,

Defendants.
-----X

STIPULATION AND ORDER

Cr. No. 23-145 (HG)

WHEREAS, the discovery materials to be provided by the government in the above-captioned case (hereinafter, the "Discovery Materials") contain personal financial information and personally identifiable information regarding individuals other than the defendant (collectively, hereinafter "PII"), including information relating to the bank account numbers, addresses, social security numbers and dates of birth of those other individuals,

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that:

1. The Discovery Materials can be used by the defendant and his/her defense counsel in this matter only for purposes of trial preparation, defense at trial against the charges set forth in the above-captioned indictment, and any related appellate matters arising from the above-referenced trial.

2. The defendant may possess a copy of the Discovery Materials except for those documents that contain PII. For Discovery Materials that contain PII, the defendant may not possess a copy unless the PII has been redacted from those documents. However, the defendant may review unredacted Discovery Materials in the presence of his/her attorney.

3. Absent further order of the Court, the defendant and his/her defense counsel may not disclose or disseminate the Discovery Materials containing PII (even if the PII has been redacted) or any information contained in those documents to anyone who has not signed this Stipulation and Order, other than those of defense counsel's legal staff and any potential expert witnesses, vendors and/or investigators that have been advised of and agreed to be bound by the terms of this Stipulation and Order. If the defendant, his/her defense counsel, or anyone else who has received Discovery Materials containing PII from the defendant or his/her counsel pursuant to the terms of this Stipulation and Order seeks to make further disclosure or dissemination of the Discovery Materials with PII (even if the PII has been redacted), notice must first be provided to the government and the Court, and such notice must be given sufficiently in advance of the contemplated disclosure or dissemination so as to permit briefing and argument on the propriety thereof.

4. Absent further order of the Court, the defendant and his/her defense counsel may not use PII, whether directly or indirectly, for any purpose.

5. In the event that the defendant seeks to file Discovery Materials with the Court or otherwise use Discovery Material during a court proceeding, the defendant and his/her counsel will comply with Rule 49.1(a) of the Federal Rules of Criminal Procedure, will ensure that court transcripts are appropriately redacted to protect PII and financial information, and will seek permission from the Court to offer the redacted versions of Discovery Material into evidence unless it is necessary to offer the unredacted version.

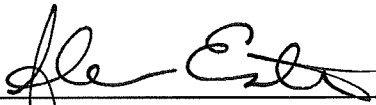
6. The defendant and his/her defense counsel will return to the government all copies of the Discovery Materials provided by the government through discovery in this case at the conclusion of this matter, specifically either within seven days of (a) a verdict of acquittal

rendered by a jury, (b) the date of sentencing if no appeal is filed or (c) the issuance of an appellate decision rendering a final judgment.

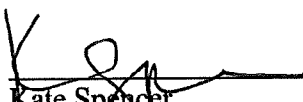
7. Any violation of this Stipulation and Order (a) will require the immediate return to the government of the Discovery Materials, and (b) may result in contempt of Court.

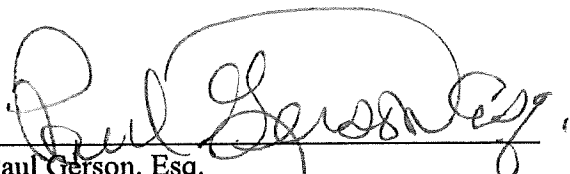
Dated: Brooklyn, New York
May 1, 2023

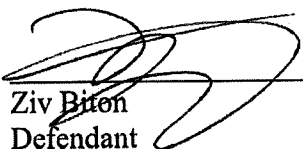
BREON PEACE
United States Attorney
Eastern District of New York

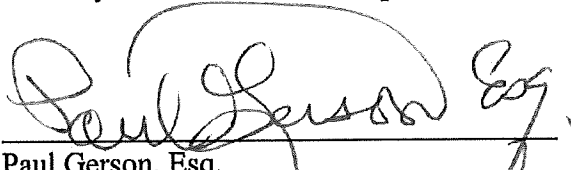
By: 
Andrew Estes
Trial Attorney
Criminal Division, Fraud Section
United States Department of Justice

Agreed to by:


Kate Spencer
Defendant


Paul Gerson, Esq.
Attorney for Defendant Kate Spencer


Ziv Biton
Defendant


Paul Gerson, Esq.
Attorney for Defendant Ziv Biton

SO ORDERED:

THE HONORABLE HECTOR GONZALEZ
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK